

WEDNESDAY, JANUARY 10, 1990

FIFTY-THIRD LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Reverend Chestina Archibald, Dean of Chapel, Fisk University, Nashville, Tennessee.

Representative Harold Love led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 92

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Reane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, W. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Triplett, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 92.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Coffey was excused due to an overseas trip.

The Speaker announced that Representative Yelton was excused due to illness.

PRESENT IN CHAMBER

Representative Robinson (Hamilton) was recorded as being present in the Chamber.

REGULAR CALENDAR

*House Joint Resolution No. 0006 -- Constitutional Amendments -- Restructures state taxes; provides for state and local income and sales and use taxes; exemptions.

Further consideration of House Joint Resolution No. 6, previously considered on May 17 and May 25, 1989, at which time it was reset to the Calendar for January 10, 1990.

Rep. Copeland moved that House Joint Resolution No. 6 be adopted.

Rep. Copeland moved to amend as follows:

Amendment No. 1

AMEND House Joint Resolution No. 6 by deleting all resolving clauses and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That a majority of all of the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that the Constitution of Tennessee be amended as follows:

(1) By deleting Article II, Section 28 in its entirety and by substituting instead the following:

No tax, except as authorized by this section, shall be levied by the General Assembly; by any local legislative body; or by any other authority. All taxes not authorized by this section are null and void.

The General Assembly shall have the power to levy a state sales and use tax and a state tax on income and to authorize counties and municipalities to levy for county and municipal purposes a local sales and use tax and a local tax on income.

The state sales and use tax shall be levied throughout the state at a single rate, and the local sales and use tax shall be levied throughout the county or municipality to which it applies at a single rate.

The state tax on income shall be levied throughout the state at a single rate, and the local tax on income shall be levied throughout the county or municipality to which it applies at a single rate.

In fiscal year 1995-1996, sales and use taxes shall be levied without exception on all sales of merchandise or services for any purpose except resale, and the taxes on income shall be levied without

exception on all income in excess of five thousand dollars (\$5,000) from whatever source derived.

The General Assembly shall first establish the rates of the state and local taxes authorized by this section no later than June 30, 1995, in such manner that the total revenue derived from such taxes in fiscal year 1995-1996 is substantially equal to the total revenue derived from all state and local taxes in fiscal year 1994-1995. Such rates shall be established in such manner that the state and each county and municipality generate revenue from such taxes in an amount substantially equal to the amount of revenue generated by each such taxing jurisdiction from all taxes levied in fiscal year 1994-1995.

In fiscal year 1995-1996, the General Assembly shall provide that the state and each county and municipality receive revenue from such income and sales and use taxes in an amount substantially equal to the amount of revenue derived and received from all taxes levied in fiscal year 1994-1995.

From July 1, 1995 to June 30, 1996, no tax rate shall be changed; thereafter, the rates of taxes, the exemptions from taxation and the items that are subject to taxation and forms of taxation shall only be changed in accordance with the procedure established in this section.

After June 30, 1996, there is hereby declared to exist the referendum power of the people for the sole purpose of approving or rejecting rates of taxes, the exemptions from taxation, items subject to taxation, and forms of taxation proposed pursuant to this section.

After June 30, 1996, the General Assembly, counties, and municipalities may act to change the rates of taxes, the exemptions from taxation, the items subject to taxation or the forms of taxation within its jurisdiction. No such enactment shall be effective until one hundred twenty (120) days have passed, and may be approved or rejected by the people of that taxing jurisdiction by referendum.

Under the power granted by this section, the referendum may be petitioned by the people or required by the taxing authority seeking the enactment. The petition for referendum shall be filed not less than ninety (90) days after the passage of such enactment.

Any tax rates, items subject to tax, exemptions from taxation or the form of taxation, referred to the people shall take effect and become a law on the first day of the first month immediately following approval

by the majority of the votes cast thereon, and not otherwise. The whole number of votes cast for the candidates for governor at the regular election, last preceding the filing of any petition in the taxing jurisdiction, shall be the basis upon which the registered voters necessary to sign such petition shall be counted. The power of the referendum shall be ordered by the petition signed by twenty percent (20%) of the registered voters in the taxing jurisdiction or by two-thirds (2/3) vote of the members of the legislative body of the taxing jurisdiction.

In any vote of the people under the provisions of this section, a majority of the votes cast on the question shall prevail.

The General Assembly shall establish by law the procedure for conducting referenda pursuant to this section.

(2) By deleting the first sentence of Article II, Section 29 in its entirety.

(3) By deleting the words "But the" in the second sentence of Article II, Section 29, and by substituting instead the word "The".

(4) By deleting Article II, Section 30, in its entirety.

(5) By deleting the words "provided further that the power of taxation of such municipality shall not be enlarged or increased except by general act of the General Assembly" in the first sentence of the fifth paragraph of Article XI, Section 9, and by substituting instead the words "provided further that the power of taxation of such municipality shall not be enlarged or increased except in accordance with the provisions of Article II, Section 28 of this Constitution."

(6) By deleting the eighth paragraph of Article XI, Section 9, in its entirety, and by substituting instead the following:

The General Assembly shall not authorize any municipality to impose any tax except in accordance with the provisions of Section 28 of Article II of this Constitution.

BE IT FURTHER RESOLVED, That the foregoing amendment be referred to the Ninety-Seventh General Assembly and that this resolution proposing such amendment be published in accordance with the Constitution of Tennessee, Article XI, Section 3.

On motion, Amendment No. 1 was adopted.

WEDNESDAY, JANUARY 10, 1990 -- FIFTY-THIRD LEGISLATIVE DAY

Rep. Copeland moved that House Joint Resolution No. 6, as amended, be reset to the first available space on the first Calendar in April, 1990, which motion prevailed.

*House Joint Resolution No. 0007 -- Constitutional Amendments -- Restructures state taxes; provides for state and local income and sales and use taxes.

Further consideration of House Joint Resolution No. 7, previously considered on May 17 and May 25, 1989, at which time it was reset to the Calendar for January 10, 1990.

Rep. Copeland moved that House Joint Resolution No. 7 be adopted.

Rep. Copeland moved to amend as follows:

Amendment No. 1

AMEND House Joint Resolution No. 7 by deleting all resolving clauses and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That a majority of all of the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that the Constitution of Tennessee be amended as follows:

(1) By deleting Article II, Section 28 in its entirety and by substituting instead the following:

No tax, except as authorized by this section, shall be levied by the General Assembly; by any local legislative body; or by any other authority. All taxes not authorized by this section are null and void.

The General Assembly shall have the power to levy a state sales and use tax and a state tax on income and to authorize counties and municipalities to levy for county and municipal purposes a local sales and use tax and a local tax on income.

The state sales and use tax shall be levied throughout the state at a single rate, and the local sales and use tax shall be levied throughout the county or municipality to which it applies at a single rate.

The state tax on income shall be levied throughout the state at a single rate, and the local tax on income shall be levied throughout the county or municipality to which it applies at a single rate.

In fiscal year 1995-1996, sales and use taxes shall be levied without exception on all sales of

merchandise or services for any purpose except resale, and the taxes on income shall be levied without exception on all income from whatever source derived.

The General Assembly shall first establish the rates of the state and local taxes authorized by this section no later than June 30, 1995, in such manner that the total revenue derived from such taxes in fiscal year 1995-1996 is substantially equal to the total revenue derived from all state and local taxes in fiscal year 1994-1995. Such rates shall be established in such manner that the state and each county and municipality generate revenue from such taxes in an amount substantially equal to the amount of revenue generated by each such taxing jurisdiction from all taxes levied in fiscal year 1994-1995.

In fiscal year 1995-1996, the General Assembly shall provide that the state and each county and municipality receive revenue from such income and sales and use taxes in an amount substantially equal to the amount of revenue derived and received from all taxes levied in fiscal year 1994-1995.

From July 1, 1995 to June 30, 1996, no tax rate shall be changed; thereafter, the rates of taxes, the items that are subject to taxation and forms of taxation shall only be changed in accordance with the procedure established in this section.

After June 30, 1996, there is hereby declared to exist the referendum power of the people for the sole purpose of approving or rejecting rates of taxes, items subject to taxation, and forms of taxation proposed pursuant to this section.

After June 30, 1996, the General Assembly, counties, and municipalities may act to change the rates of taxes, the items subject to taxation or the forms of taxation within its jurisdiction. No such enactment shall be effective until one hundred twenty (120) days have passed, and may be approved or rejected by the people of that taxing jurisdiction by referendum.

Under the power granted by this section, the referendum may be petitioned by the people or required by the taxing authority seeking the enactment. The petition for referendum shall be filed not less than ninety (90) days after the passage of such enactment.

Any tax rates, items subject to tax or the form of taxation, referred to the people shall take effect and become a law on the first day of the first month immediately following approval by the majority of the votes cast thereon, and not otherwise. The whole

number of votes cast for the candidates for governor at the regular election, last preceding the filing of any petition in the taxing jurisdiction, shall be the basis upon which the registered voters necessary to sign such petition shall be counted. The power of the referendum shall be ordered by the petition signed by twenty percent (20%) of the registered voters in the taxing jurisdiction or by two-thirds (2/3) vote of the members of the legislative body of the taxing jurisdiction.

In any vote of the people under the provisions of this section, a majority of the votes cast on the question shall prevail.

The General Assembly shall establish by law the procedure for conducting referenda pursuant to this section.

(2) By deleting the first sentence of Article II, Section 29 in its entirety.

(3) By deleting the words "But the" in the second sentence of Article II, Section 29, and by substituting instead the word "The".

(4) By deleting Article II, Section 30, in its entirety.

(5) By deleting the words "provided further that the power of taxation of such municipality shall not be enlarged or increased except by general act of the General Assembly" in the first sentence of the fifth paragraph of Article XI, Section 9, and by substituting instead the words "provided further that the power of taxation of such municipality shall not be enlarged or increased except in accordance with the provisions of Article II, Section 28 of this Constitution."

(6) By deleting the eighth paragraph of Article XI, Section 9, in its entirety, and by substituting instead the following:

The General Assembly shall not authorize any municipality to impose any tax except in accordance with the provisions of Section 28 of Article II of this Constitution.

BE IT FURTHER RESOLVED. That the foregoing amendment be referred to the Ninety-Seventh General Assembly and that this resolution proposing such amendment be published in accordance with the Constitution of Tennessee, Article XI, Section 3.

On motion, Amendment No. 1 was adopted.

Rep. Copeland moved that House Joint Resolution No. 7, as amended, be reset to the first available space on the first Calendar in April, 1990; which motion prevailed.

House Bill No. 1122 -- Limitation of Actions -- Makes statutes of limitations inapplicable to units of local government. Amends TCA 28-1-113.

Rep. Starnes moved that House Bill No. 1122 be re-referred to the Calendar and Rules Committee, which motion prevailed.

CONSENT CALENDAR

House Joint Resolution No. 0508 -- Memorials, Personal Achievement -- Congratulates Beau Whitaker, winner of grand champion market lamb at Junior Livestock Exposition.

House Joint Resolution No. 0509 -- Memorials, Retirement -- Honors William Hughes on exemplary career in law enforcement.

House Joint Resolution No. 0512 -- Memorials, Personal Occasion -- Honors Mrs. Effie Brassfield on one hundredth birthday.

House Joint Resolution No. 0513 -- Memorials, Congratulations -- Honors Greenfield Junior High School Science Olympiad Team on runner-up honors in state competition.

House Bill No. 1553 -- Fayette County -- Enacts hotel/motel tax.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill; that all Senate and House Bills on the Consent Calendar be passed on third and final consideration; all House Resolutions and House Joint Resolutions be adopted; and all Senate Joint Resolutions on the Consent Calendar be concurred in; which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	1

Representatives voting aye were: Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Hafteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hills, Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton),

Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Triplett, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 93.

Representatives present and not voting were: Holt -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from present not voting to aye on the Consent Calendar and have this statement entered in the Journal.

Rep. Harold Holt

RULES SUSPENDED

Rep. McDaniel moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 515 out of order, which motion prevailed.

House Joint Resolution No. 0515 -- Memorials, Personal Occasion -- Honors Faustina Auora McElrath on 100th birthday. by *McDaniel.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. McDaniel, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Triplett, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Moody moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 524 out of order, which motion prevailed.

House Joint Resolution No. 0524 -- Naming and Designating -- Designates first week in March, 1990, Students in Free Enterprise Week. by *Moody, *Haun, *Harrill, *Good, *Davis J. K., *Robinson Ruth, *Whitson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Moody, the resolution was adopted by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shicley, Sipes, Stallings, Stamps, Starnes, Triplett, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

SPONSORS ADDED

House Bill No. 628: Rep(s). Purcell changed from secondary to prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

***House Joint Resolution No. 0514 -- Highway Signs --** Redesignates newly constructed bridge in Perryville as "Sgt. Alvin C. York Bridge". by *McDaniel.

The Speaker referred House Joint Resolution No. 514 to the Transportation Committee.

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House Joint Resolution No. 0516 -- Memorials, Condolence -- Honors memory and achievements of Ann Sanford. by *Naifeh.

The Speaker referred House Joint Resolution No. 516 to the Calendar and Rules Committee.

*House Joint Resolution No. 0522 -- General Assembly, Studies -- Creates special joint committee to study Registry of Election Finance. by *Kisber, *Naifeh, *Chiles, *Scruggs.

The Speaker referred House Joint Resolution No. 522 to the State and Local Government Committee.

House Joint Resolution No. 0523 -- Memorials, Personal Achievement -- Commends William Hackemann for nomination as District Governor of Rotary International District 678. by *Phillips.

The Speaker referred House Joint Resolution No. 523 to the Calendar and Rules Committee.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Senate Joint Resolution No. 0415 -- Memorials, Condolence -- Honors memory of Reverend Henry Ford Tucker.

The Speaker referred Senate Joint Resolution No. 415 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0416 -- Memorials, Retirement -- Commends Dr. William T. Windham for his service to Middle Tennessee State University.

The Speaker referred Senate Joint Resolution No. 416 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

House Bill No. 1564 -- Alcoholic Beverages -- Authorizes wholesalers to repurchase beer from retailers in certain circumstances. Amends TCA 57-6-109. by *Rhinehart.

Passed first consideration.

*House Bill No. 1565 -- Taxes, Hotel Motel -- Authorizes hotel-motel tax in certain municipalities. Amends TCA, Title 7, Ch. 4; Title 67, Ch. 4. by *Garrett.

Passed first consideration.

*House Bill No. 1566 -- Taxes, Hotel Motel -- Exempts metropolitan governments from certain hotel motel tax limitations. Amends TCA, Title 67, Ch. 4, Pt. 14. by *Garrett.

Passed first consideration.

*House Bill No. 1567 -- Architects and Engineers -- Restricts types of structures for which plans or specifications may be drawn by persons who are not registered architects or engineers. Amends TCA, Title 62, Ch. 2. by *Copeland.

Passed first consideration.

*House Bill No. 1568 -- Advertising -- Prohibits facsimile advertising. by *Copeland.

Passed first consideration.

*House Bill No. 1569 -- Bonds and Undertakings, Regulation of -- Enacts "Government Reform Act of 1990". Amends TCA, Titles 3--15. by *Copeland.

Passed first consideration.

*House Bill No. 1570 -- Taxes, Sales -- Exempts certain items from sales tax. Amends TCA, Title 67, Ch. 6. by *Copeland.

Passed first consideration.

*House Bill No. 1571 -- Highways, Roads and Bridges -- Enacts "Transportation Act of 1990". Amends TCA, Titles 54, 55, 67. by *Copeland.

Passed first consideration.

*House Bill No. 1572 -- Tort Liability -- Enacts "Tort Reform Law of 1990". Amends TCA, Titles 16--29, 56. by *Copeland.

Passed first consideration.

House Bill No. 1573 -- Pensions and Retirement Benefits -- Exempts certain county public servants from certain limitations on maximum amount of retirement benefits under certain conditions. Amends TCA, Title 8, Ch. 35, Pt. 2. by *Whitson.

Passed first consideration.

House Bill No. 1574 -- Pensions and Retirement Benefits -- Exempts certain county public servants from certain limitations on maximum amount of retirement benefits under certain conditions. Amends TCA, Title 8, Ch. 35, Pt. 2. by *Whitson.

Passed first consideration.

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House Bill No. 1575 -- Parks, Natural Areas Preservation -- Authorizes commissioner of conservation to enter into certain reciprocal agreements relative to discounts at state parks. Amends TCA, Title 11, Ch. 3, Pt. 1. by *Whitson.

Passed first consideration.

*House Bill No. 1576 -- Driver Licenses -- Permits claustrophobic condition to be indicated on driver license. Amends TCA 55-50-331. by *Severance.

Passed first consideration.

*House Bill No. 1577 -- State Employees -- Authorizes part time state employees to receive state insurance and longevity pay. Amends TCA 8-23-206, 8-27-201. by *Severance.

Passed first consideration.

*House Bill No. 1578 -- Education -- Authorizes tuition and fees to be charged to non-resident pupils. Amends TCA 49-6-8003, 49-6-3104. by *Callicott, *Hobbs.

Passed first consideration.

*House Bill No. 1579 -- DUI/DWI Offenses -- Lowers amount of alcohol in blood necessary to raise presumption that driver is intoxicated. Amends TCA 55-10-408. by *Wood, Starnes.

Passed first consideration.

House Bill No. 1580 -- Criminal Offenses -- Makes owning, possessing or keeping of cocks for purpose of shipping to a foreign country affirmative defense to the offense of animal fighting. Amends TCA 39-14-203. by *Davis R E, *Huskey, *Burnett, *Harrill, *Gunnels, *Givens, *Moody, *Niceley, *Whitson, *Rhinehart, *Moore C, *Cross, Hillis, Napier, Robinson Ruth.

Passed first consideration.

House Bill No. 1581 -- Criminal Offenses -- Reduces penalty for cockfighting. Amends TCA, Title 39, Ch. 14, Pt. 2. by *Davis R E, *Huskey, *Burnett, *Harrill, *Gunnels, *Givens, *Moody, *Niceley, *Whitson, *Rhinehart, *Moore C, *Cross, Hillis, Napier, Robinson Ruth.

Passed first consideration.

House Bill No. 1582 -- Drug and Alcohol Rehabilitation -- Creates substance abuse prevention and treatment account; provides treatment services to certain low income persons. Amends TCA, Titles 33, 39, 53. by *Pruitt, *Love, *Jones R, *Dixon.

Passed first consideration.

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House Bill No. 1583 -- Appropriations -- Appropriates funds to Meharry Medical College. by *Love, *Pruitt.

Passed first consideration.

House Bill No. 1584 -- Inheritance Laws -- Revises law on distribution of estate of intestate child. Amends TCA 31-2-104. by *Bivens.

Passed first consideration.

*House Bill No. 1585 -- Insurance Companies, Agents, Brokers -- Revises requirements for fraternal benefit societies. Amends TCA 56-4-202; Title 56, Ch. 25. by *Bivens.

Passed first consideration.

*House Bill No. 1586 -- Alcoholic Beverages -- Establishes structure for business relationship between beer wholesalers and manufacturers and importers. Amends TCA, Title 57, Ch. 5. Repeals TCA 57-6-102, 104. by *Wheeler.

Passed first consideration.

House Bill No. 1587 -- Correctional Programs -- Authorizes division of community services to supervise offender who completes special alternative incarceration program. Amends TCA, Title 40, Ch. 20. by *Naifeh, *Love, *Wheeler, *Byrd, *Rhinehart, *Burnett, *DeBerry, *Holt, *Bell, *Crain.

Passed first consideration.

House Bill No. 1588 -- Correctional Programs -- Authorizes commissioner to make grants for community correction plans under certain conditions; sets supervision fee. by *Naifeh, *Love, *Wheeler, *Byrd, *Rhinehart, *Bell, *Crain, *Burnett, *DeBerry, *Holt.

Passed first consideration.

House Bill No. 1589 -- Correction, Dept. of -- Authorizes commissioner to confiscate certain items detrimental to security. Amends TCA, Title 4, Ch. 6. by *Rhinehart, *Naifeh, *Love, *Wheeler, *Byrd, *Crain, *Burnett, *DeBerry, *Holt, *Bell.

Passed first consideration.

House Bill No. 1590 -- Public Funds and Financing -- Regulates financing of industrial parks. Amends TCA, Titles 9, 13. by *Ridgeway, *Naifeh, *Byrd, *Bragg, *Wheeler, *Rhinehart, *Crain, *Burnett, *DeBerry, *Holt, *Bell, Clark.

Passed first consideration.

House Bill No. 1591 -- Health -- Permits certain persons access to registry of persons who abuse elderly. Amends TCA 68-11-1003. by *Purcell, *Naifeh, *Starnes, *Dixon, *Pruitt, *Byrd, *Bell, *Crain, *Burnett, *DeBerry, *Holt.

Passed first consideration.

House Bill No. 1592 -- Custody and Support -- Revises methods of enforcement of child support payments. Amends TCA 26-2-108, 26-2-216; Title 36, Chs. 4, 5, 50-6-223. by *Buck, *Naifeh, *Byrd, *Crain, *Burnett, *Curlee, *DeBerry, *Davis Ray, *Holt, *Bell, Purcell.

Passed first consideration.

House Bill No. 1593 -- Human Services, Dept. of -- Establishes state's right of subrogation to recover certain Social Security benefits. Amends TCA, Title 71, Ch. 1, Pt. 1. by *Buck, *Naifeh, *Byrd, *Crain, *Burnett, *Curlee, *DeBerry, *Davis Ray, *Holt, *Bell.

Passed first consideration.

House Bill No. 1594 -- Motor Vehicles -- Removes odometer regulations superseded by federal law; designates department of safety as agency to enforce overweight vehicle laws; permits enforcement officer to go armed. Amends TCA 55-3-118, 55-5-114, 67-4-808. by *Bragg, *Naifeh, *Byrd, *Wheeler, *Ridgeway, *Rhinehart, *Crain, *Burnett, *DeBerry, *Holt, *Bell, Clark.

Passed first consideration.

*House Bill No. 1595 -- Foster Care -- Creates a special task force on foster care to develop and publish a manual for current and prospective foster parents. Amends TCA, Titles 4, 36, 37, 71. by *Phillips.

Passed first consideration.

*House Bill No. 1596 -- Foster Care -- Prohibits certain retaliatory actions by department against certain foster parents. Amends TCA, Titles 4, 36, 37, 71. by *Phillips.

Passed first consideration.

*House Bill No. 1597 -- Jails, Local Lock-ups -- Authorizes county reimbursement of jail space for pre-trial detainees in certain counties. Amends TCA 41-8-106. by *Phillips.

Passed first consideration.

*House Bill No. 1598 -- Civil Procedure -- Expands time allowed for judicial or deed of trust sale on sale day. Amends TCA 35-5-109, 108. by *Phillips.

Passed first consideration.

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*House Bill No. 1599 -- Foster Care -- Requires installation of smoke detectors in foster homes. Amends TCA, Titles 37, 68, 71. by *Phillips.

Passed first consideration.

*House Bill No. 1600 -- Foster Care -- Prohibits certain foster parents from leaving certain foster children without adult supervision. Amends TCA, Titles 4, 36, 37, 71. by *Phillips.

Passed first consideration.

*House Bill No. 1601 -- Children -- Creates an information management committee on confidential records pertaining to children in state custody; directs publication of manual. by *Phillips.

Passed first consideration.

House Bill No. 1602 -- Courts -- Provides funds for certain office supplies for certain district circuit courts. Amends TCA 16-2-506. by *Phillips.

Passed first consideration.

*House Bill No. 1603 -- Child Abuse -- Provides primary objective regarding abused and neglected children is their health, safety and welfare; expands the definition of "abandoned child". Amends TCA, Titles 4, 36, 37, 71. by *Phillips.

Passed first consideration.

*House Bill No. 1604 -- State Employees -- Authorizes surviving spouse of state employee killed in line of duty to continue state insurance coverage under certain circumstances. Amends TCA, Title 8, Ch. 27. by *Robinson Robb.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

*House Bill No. 1555 -- Criminal Offenses -- Passed second consideration and referred to the Judiciary Committee.

*House Bill No. 1556 -- State Officials -- Passed second consideration and referred to the Judiciary Committee.

*House Bill No. 1557 -- Driver Licenses -- Passed second consideration and referred to the Education Committee.

*House Bill No. 1558 -- Railroads -- Passed second consideration and referred to the Transportation Committee.

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*House Bill No. 1559 -- Public Funds and Financing -- Passed second consideration and referred to the Conservation and Environment Committee.

*House Bill No. 1560 -- Animals -- Passed second consideration and referred to the Conservation and Environment Committee.

*House Bill No. 1561 -- Driver Licenses -- Passed second consideration and referred to the Transportation Committee.

House Bill No. 1562 -- Statutes -- Passed second consideration and referred to the Judiciary Committee.

*House Bill No. 1563 -- DUI/DWI Offenses -- Passed second consideration and referred to the Transportation Committee.

REPORT OF SELECT COMMITTEE ON RULES

MR. SPEAKER: Your Select Committee on Rules begs leave to report that we have met and recommend the following amendments to the Permanent Rules of the House of Representatives of the 96th General Assembly, which were adopted earlier by the House.

Add after the present language in Rule 50 the following:

Upon a motion for passage of the Consent Calendar pursuant to Rule 50, the following language shall be spread in the Journal:

"all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in."

Add after the present language in Rule 81 (13) the following:

If the chair of a standing committee deems it appropriate, after advising with the vice chair and secretary, to assign a bill to a subcommittee, said bill must be assigned to such subcommittee within five (5) legislative days after its passage on second consideration and referral to standing committee, or following the receipt of a fiscal note if said bill is referred to the committee on finance, ways and means unless otherwise provided by law.

If the chair of a standing committee deems it appropriate, after advising with the vice chair and secretary, to assign a bill or resolution which has been referred to it after recommendation for passage by another standing committee to a subcommittee, said bill must be assigned to such subcommittee within seven (7) calendar days of its receipt.

When a bill or resolution is assigned to a subcommittee by the chair of a standing committee, the subcommittee chair, the sponsor, the chief clerk, and the director of legislative services shall be given notice by the chair of the assignment of said bill, the date of assignment, and the name of the subcommittee.

The request of the sponsor for a bill or resolution to be heard by a committee or subcommittee shall be filed with the standing committee. The chair of the standing committee shall notify the chair of the subcommittee that the sponsor has requested the bill or resolution to be heard. The chair of said subcommittee shall set and publish the date and the calendar of bills to be heard and shall so notify the sponsor of bills or resolutions to be heard, the chief clerk, and the director of the office of legislative services.

The chair of the standing committee or the subcommittee shall provide copies of the calendar and notice of bills to be heard to the chief clerk and the director of legislative services.

A written report of the action taken by a subcommittee on each bill or resolution which it considers shall be prepared by the chair of said subcommittee and submitted to the chair of the standing committee, the chief clerk, and the director of the office of legislative services.

When a bill or resolution is reported from a subcommittee, said bill or resolution shall be placed by the chair of the standing committee on the calendar of the next scheduled meeting of the standing committee unless the sponsor of said bill or resolution requests in writing that the chair of the standing committee set another hearing date.

Respectfully submitted:

Jimmy Naifeh, Chairman
Joe W. Bell
Dan R. Byrd
Matthew Kisber
Clarence W. Phillips
S. Thomas Burnett

Lois M. DeBerry
John C. Chiles, Jr.
Paul C. Scruggs
Ronnie E. Davis
David Y. Copeland, III
Mr. Speaker Murray

Representative Naifeh moved that the Report of the Select Committee on Rules be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels,

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Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Triplett, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 96.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
January 10, 1990**

MR. SPEAKER: The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Thursday, January 11, 1990: House Joint Resolution(s) No(s). 516 and 523; Senate Joint Resolution(s) No(s). 415 and 416.

PHILLIPS, Chairman.

**SIGNED
January 10, 1990**

The Speaker announced that he had signed the following: House Resolution(s) No(s). 90 and 91.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
January 10, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1553; and House Joint Resolution(s) No(s). 508, 509, 512, 513, 515, and 524; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

January 10, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 515, 517, 518, 519 and 521; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kettell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Triplett, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 97.

On motion of Rep. Naifeh, the House adjourned until 9:00 a.m., Thursday, January 11, 1990.